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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,413	12/21/2001	Jeffrey J. Segal	12447-0002	2802

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EXAMINER

GREIMEL, JOCELYN

ART UNIT PAPER NUMBER

3693

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,413	SEGAL ET AL.	
	Examiner	Art Unit	
	Jocelyn Greimel	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/21/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/30/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's application of December 21, 2001. Claims 1-22 are being examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher et al (US Patent No. 5,835,896, hereinafter Fisher). In reference to claims 1, 6 and 12, Fisher discloses: a method, an apparatus and an article of manufacture for auctioning over a communications network, the method comprising the steps of: receiving from a buyer over the communications network a maximum price that the buyer is willing to pay for at least one of a good and a service; receiving from a plurality of potential sellers over the communications network progressively lower competing bids for the at least one of the good or the service, the competing bids corresponding to compensation amounts that potential sellers are willing to accept for providing the at least one of the good and the service; and generating at least one signal corresponding to an identity of

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a winning seller (col. 4, lines 31-67; col. 5, lines 1-6; col. 6, lines 1-67; col. 8, lines 15-41).

4. In reference to claim 2, Fisher further discloses a method comprising the steps of: notifying eligible workers over the communications network of an auction of a call schedule assignment; wherein the step of receiving the bids includes receiving over the communications network at least one bid for the call schedule assignment from at least one of the workers; notifying the workers over the communications network that a lower bid is needed if each of the bids is higher than a maximum amount; and receiving over the communications network competing bids for the call schedule assignment from a plurality of eligible workers until a time period has expired (col. 6, lines 1-67; col. 7, lines 1-65).

5. In reference to claims 3-5, 8-10, 14, 16, 18, 20-22, Fisher discloses a method comprising the step of hiding the competing bids from the workers; comprising the step of automatically lowering at least one of the competing bids; and the method comprising the step of hiding the competing bids from the workers (col. 7, lines 50-67; col. 8, lines 15-41; col. 13, lines 2-28).

6. In reference to claims 7 and 13, Fisher discloses an apparatus, wherein the computing device is further configured to obtain a list of eligible workers, and transmit over the communications network a notification of an auction of a call schedule

assignment, and wherein being configured to receive the bids includes being configured to receive over the communications network at least one bid for the call schedule assignment, transmit over the communications network a notification that a lower bid is needed if each of the bids is higher than a maximum amount, and receive over the communications network competing bids for the assignment from at least some of the eligible workers on the until a time period has expired (col. 4, lines 31-67; col. 5, lines 1-6; col. 7, lines 50-65; col. 8, lines 30-41).

7. In reference to claim 11, Fisher discloses an apparatus for auctioning an assignment on a call work schedule, the schedule being suited for communication over a communications network, the apparatus comprising: a computing device configured to be coupled to the communications network, the computing device being further configured to transmit a request over the communications network to auction the assignment, obtain a list of workers who can take the assignment without violating at least one of demographic information and rules, transmit at least one bid for the assignment over the communications network, and generate an announcement corresponding to an identity of a winning bidder (col. 4, lines 31-67; col. 5, lines 1-6; col. 7, lines 24-41; col. 8, lines 15-29).

8. In reference to claims 15, 17 and 19, Fisher discloses an article wherein the computer-readable signal-bearing medium includes a recordable data storage medium; wherein the computer-readable, signal-bearing medium is selected from a group

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consisting of magnetic, optical, biological and atomic data storage media; and wherein the computer-readable, signal-bearing medium includes a modulated carrier signal (col. 4, lines 31-67; col. 5, lines 1-6; col. 6, lines 13-30; col. 7, lines 24-41; col. 13, lines 25-28).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner
July 17, 2006


ELLA COLBERT
PRIMARY EXAMINER